IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 575 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE BANKIM.N.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ? No.

2 To be referred to the Reporter or not ? No.

3 Whether their Lordships wish to see the fair copy of the judgment ? No.

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ? No.

5 Whether it is to be circulated to the civil judge ? No.

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PATEL BABUBHAI BHUDARBHAI - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :

MR LAXMANBHAI A AMAR for Applicant(s) : 1,
MR KC SHAH APP for Respondent(s) : 1,
MR HARNISH V DARJI for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE BANKIM.N.MEHTA

Date : 09/10/2007

ORAL JUDGMENT :

1. Learned advocate Mr. V.C. Darji waives service of notice of Rule on behalf of respondent No.2.

2. In the facts and circumstances of the case, this Criminal Revision Application is taken up for final hearing today.

3. Learned advocate for the parties have stated that the parties have settled the dispute nad compounded the offence. Learned advocates for the parties have placed on record compromise pursis dated 9-10-2007 executed by the petitioner and respondent NO. 2. The said pursis is ordered to be taken on record.

4. It appears from the compromise pursis that the petitioner has paid the cheque amount to the respondent No. 2 who has accepted the same and has agreed to withdraw all the proceedings in respect of the subject – cheque.

5. The parties are personally present in the court and they admit execution of the compromise pursis. Learned advocate for the parties have identified the parties and have also signed the compromise pursis. The parties admit that they have settled the dispute and have compounded the offence punishable u/s 138 of the Negotiable Instruments Act.

6. It appears that the parties have executed

the compromise pursis without fear, coercion, threat or undue influence. Therefore, the compromise is required to be accepted and the offence is required to be compounded.

7. In view of above, the compromise pursis is accepted. As the offence has been compounded, the judgment and order of conviction passed by learned Third Additional Senior Civil Judge and J.M.F.C., Ahmedabad (Rural), Ahmedabad on 30-3-2007 in Criminal Case No. 907 of 2000 and confirmed by learned Addl. Sessions Judge, Ahmedabad (Rural), Ahmedabad on 12-9-2007 in Criminal Appeal No. 17 of 2007 is quashed and set aside. The petitioner is acquitted for the offence charged against him. The petitioner is on bail, hence his bail bond stands cancelled. The amount of fine paid by the petitioner is ordered to be returned to him. Rule made absolute to the aforesaid extent.

(Bankim N. Mehta, J.)

/JVSatwara/